

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-9-1997

PAGE: A-685

RIGHT NUMBER: 45-11009

NAME & ADDRESS: JAMES O CHATBURN
BOX 26
ALBION ID 83311

8/11/98

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1950

POINT OF DIVERSION: T12S R25E S04 SESENW Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 2 HOMES	01-01 12-31	0.08 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T12S R25E S04 SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 12S25E040601

Claim proofread by: *C.A.*

Date: *9-22*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-11009
Date Received: 6/ 1/1989
Receipt No: M003807
Received By: ownership change

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES O CHATBURN 208-673-6666
Address: BOX 26
ALBION ID 83311
2. Date of Priority: JAN 1, 1950
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	25E	4	SE	SE	NW		CASSIA
5. Description of diverting works:
WELL 20' DEEP, HAND DUG. PUMP 1/2 HP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/ 2 HOUSEHOLDS, SINGLE OWNERSHIP
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	25E	4	SE	NW		DOMEST	
11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

MAR 11 1996

DATE OF CLOSING: 11/21/95Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) A45-11009, A45-11012, A45-11014
Assigned by IDWR: A45-00751, A45-11007, A45-11008,

[] Name and Address of Former Owner/Claimant(s)(Seller): J. Vard Chatburn
Box 97

[] New Owner/Claimant (Purchaser): Albion, ID 83311
James O Chatburn

[] New Mailing Address: Box 26
Albion, ID 83311

[] New Telephone Number: (208) 673-1666

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Statement of Pers. Representative & Quitclaim
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) James O Chatburn Date 2/20/96
Date _____

[] Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 3/11/96 By: [Signature]

Further Action Needed

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

DEC 03 1996

1 **TUFT & BYWATER**

2 Attorneys at Law
3 205 East 15th Street
4 P. O. Box 1088
5 Burley, Idaho 83318
6 Telephone: (208) 678-1164
7 Fax: (208) 678-2924

(SPACE BELOW FOR FILING STAMP ONLY)

8 Attorneys for Personal Representative

9 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
10 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
11 MAGISTRATE DIVISION

12 IN THE MATTER OF THE ESTATES) Case No. SP 95-331 M
13 OF:)
14 J. VARD CHATBURN and)
15 EVA C. CHATBURN,)
16 Both Deceased.)

**VERIFIED STATEMENT OF THE
PERSONAL REPRESENTATIVE
CLOSING ESTATE**

17 1. The undersigned, James O. Chatburn, as Personal Representative of the
18 above-named decedent, states:

19 a. The undersigned has elected not to published notice to creditors
20 announcing the undersigned's appointment as personal representative of the decedent, and
21 stating that any claim against the estate must be filed within the statutory period or be barred.
22 The sole distributee of estate assets, the J. Vard Chatburn Family Trust, has waived such
23 requirement and takes the property of the estate subject to the valid claim of any creditor, if
24 any. The other lawful bills, debts and costs of administration, as known to the undersigned,
25 have been paid. The remaining net assets of the estate, consisting of certain real property has
26 been transferred to the sole distributee.

27 b. The undersigned has fully administered the estate of the decedent by
28 making payment, settlement or other disposition of all claims which were presented, expenses
29 of administration, estate, inheritance and other death taxes, and the assets of the estate have
30 been distributed to the party entitled to receive said assets and in the amount and manner to
31 which it was entitled.

c. The undersigned has sent a copy of this statement to the sole

32 **VERIFIED STATEMENT OF PERSONAL
REPRESENTATIVE CLOSING ESTATE - 1**
33 CA\ESTATE\CHATCLOS.STM

DEC 03 1996

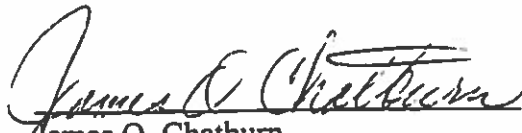
1 distributee of the estate, the State of Idaho, Department of Health and Welfare, and to all other
2 interested persons of whom the undersigned is aware whose claims are neither paid nor
3 barred.

4 d. There is no order of any court prohibiting the closing of the estate
5 and the estate is not being administered by a supervised Personal Representative.

6 e. The sole distributee, the said trust, has consented to the closing of
7 the estate by the filing of this statement as evidenced by the written consent attached hereto.

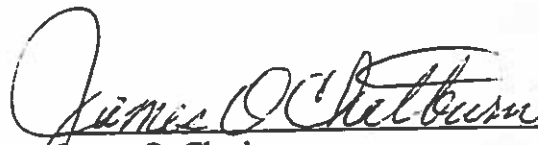
8 2. This statement is filed for the purpose of closing this estate and terminating
9 the appointment of the undersigned as Personal Representative.

10 DATED this 21 day of Nov., 1995.

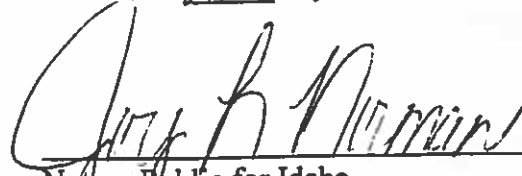
11 
12 James O. Chatburn

13 STATE OF IDAHO)
14) ss.
15 County of Cassia)

16 The undersigned, being first duly sworn, and having read the foregoing
17 statement hereby confirms that the facts set forth therein are accurate and complete to the best
18 of the undersigned's knowledge and belief.

19 
20 James O. Chatburn
21 Personal Representative

22 SUBSCRIBED AND SWORN to before me this 21st day of
23 November, 1995.

24 
25 Notary Public for Idaho
26 Residing at: Barley Idaho
27 Commission Expires: 12-8-99

28 (SEAL)

VERIFIED STATEMENT OF PERSONAL
REPRESENTATIVE CLOSING ESTATE - 2
C:\ESTATE\CHATCLOS.STM

DEC 03 1996

238189

QUITCLAIM DEED

FOR VALUE RECEIVED, John V. Chatburn, Jr. and James O Chatburn, Trustees of the J. Vard Chatburn Family Trust dated December 1, 1994, whose address is P.O. Box 97, Albion, Idaho 83311, hereinafter called the "Grantor" hereby remise, release and forever quitclaim unto James O. Chatburn, hereinafter called the "Grantee", all interest now held or hereafter acquired by Grantor in the premises, in Cassia County, Idaho, described as follows, to wit:

PARCEL NO. 1:

N $\frac{1}{2}$ NESE S $\frac{1}{2}$ SE Section 3 Township 12 Range 25
Lots 2, 4, Lot 3 less the following:

From the NE corner of the NW $\frac{1}{4}$ of Section 4
Township 12 South Range 25 East of the Boise
Meridian; Thence West along section line 291 feet to a
point of beginning; Thence to a point 208 feet West;
Thence South 209.5 feet; Thence East 208 feet; Thence
North 209.5 feet to the point of beginning all in Cassia
County, State of Idaho.

SWNE, S $\frac{1}{2}$ NE Section 4 Township 12 Range 25.

PARCEL NO. 2:

W $\frac{1}{2}$ NE E $\frac{1}{2}$ NW N $\frac{1}{2}$ SW SESW W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 27
Township 11 Range 25

PARCEL NO. 3:

NESW SE $\frac{1}{4}$ Section 34 Township 11 Range 25 SW $\frac{1}{4}$
W $\frac{1}{2}$ SE Section 35 Township 11 Range 25

PARCEL NO. 4

NW $\frac{1}{4}$ Section 35 Township 11 Range 25

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the Grantee's assigns forever, including all rents and profits.

QUITCLAIM DEED - 1

C:\REALEST\CHATBRN2.QCD

DEC 03 1996

DATED this 24th day of July, 1995.

J. VARD CHATBURN FAMILY TRUST

John V. Chatburn, Jr.
John V. Chatburn, Jr., Trustee

James O. Chatburn
James O. Chatburn, Trustee

STATE OF Oklahoma)
County of Noble) ss.

On this 11th day of Aug, 1995, before me the undersigned a Notary Public in and for said State, personally appeared John V. Chatburn, Jr., known to me to be one of the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that he executed the same in his capacity of trustee of the J. Vard Chatburn Family Trust.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

Paul Robinson
Notary Public
Residing at Morrison, OK
Commission Expires: 5-19-97

STATE OF IDAHO)
County of Cassia) ss.

On this 24th day of July, 1995, before me the undersigned a Notary Public in and for said State, personally appeared James O. Chatburn, known to me to be one of the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that he executed the same in his capacity of trustee of the J. Vard Chatburn Family Trust.

QUITCLAIM DEED - 2

C:\REALEST\CHATBRN2.QCD

DEC 03 1996

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

Joy R Norman
Notary Public for Idaho
Residing at Burley, Idaho
Commission Expires: 12-8-99

RECORDED AT THE REQUEST OF
Jeffrey D. Quarter
FILM 269

1995 AUG 18 A 11:07

238189

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE 900 DEPUTY 112

LC: 2041088

Burley, ID

QUITCLAIM DEED - 3

C:\REALESTATE\CHATBRN2.QCD

DEC 03 1996

Water Right Number - R45-11009

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CHATBURN

JAMES O

1 - BOX 26

2 -

3 -

City- ALBION

Phone - 208-673-6666

State- ID Zip- 83311

*** O - ORIGINAL OWNER ***
CHATBURN

J VARD

1 - BOX 97

2 -

3 -

City- ALBION

Phone - 208-673-6661

State- ID Zip- 83311

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1950 ERROR IN REGION J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

12S 25E 4 SE SE NW (31) CASSIA

+ - - Code Description Period From Period To Diversion Rate Diversion Volume +
43 - DOMESTIC 01/01 12/31 0.080+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.080 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
12S 25E 4 SE NW 43 DOMESTIC (31) CASSIA

Total Acres:

+ - - Diversion Means - WELL 20' DEEP, HAND DUG. PUMP 1/2 HP

+ - - Non-Irrigation Use - DOMESTIC, 2 HOMES

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

GEN PARCEL NO. 12S25E040601

DEC 02 1996

Water right number - R45-11009

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

Date: 03/11/1996 User Id: JROBERTS Subject: OWNERSHIP CHANGE

Form received today, original owner J Vard Chatburn - new owner James O Chatburn. Copy of Statement of Personal Representative & Quitclaim Deed submitted with form. A45-11009 also changed. jr

+ - - Audit Fields - - +

03/11/96 JROBERTS

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/01/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- M003807	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

DEC 03 1996

2500

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-11009
Date Received: 6/01/1989
Receipt No: 1003507
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. VARD CHATBURN 208-673-6661
Address: BOX 97
ALBION, ID 83311

2. Date of Priority: JAN 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
12S	25E	4	SE		SE		NW		CASSIA

5. Description of diverting works:
WELL 20' DEEP, HAND DUG. PUMP 1/2 HP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 2 HOUSEHOLDS, SINGLE OWNERSHIP

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	25E	4	SE		NW		DOMEST	

11. Place of use in counties: CASSIA

A45-11009

Page 1

Date: 06/01/89

MICROFILMED

MAR 08 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *L. Fred Chatham* Date: 6-1-89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of *May* 19 *89*

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public

My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994

WATER RIGHT NUMBER - A45-11009

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
CHATBURN

J. VARD

1 - BOX 97
2 -
3 -
CITY- ALBION
PHONE - 208-673-6661

STATE- ID ZIP- 83311

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
01/01/1950 ERROR IN REGION J - BENEFICIAL USE

+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
GROUNDWATER

+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)
12S 25E 4 SE SE NW (31) CASSIA

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME
43 - DOMESTIC 01/01 12/31 0.080

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.080 0.0

+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY
12S 25E 4 SE NW 43 DOMESTIC (31) CASSIA

+ - - DIVERSION MEANS - WELL 20' DEEP, HAND DUG. PUMP 1/2 HP
+ - - NON-IRRIGATION USE - D/ 2 HOUSEHOLDS, SINGLE OWNERSHIP
+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
NO REMARKS FOUND.

+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 06/01/89 BAUMHOFF

MICROFILMED
OCT 26 1994

PREFIX TRANSLATION: ADJUDICATION CLAIM

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+ ~ - - - - - - - - - - - - - - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +
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12525E040601 SENW

ENTERED 8/15/97
CHECKED 2/7/98

VERIFIED
NOV 01 1991

CERTIFIED
DEC 23 1991
WATER EXAMINER